

# Notice of Allowability

Application No.

09/549,410

Examiner

Jared J. Fureman

Applicant(s)

FAZZANO, NICHOLAS G.

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## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the telephone interview on 11/20/2003.
2. ☒ The allowed claim(s) is/are 1-26.
3. ☒ The drawings filed on 14 April 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

- |   |   |
|---|---|
| 1 <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)          |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 6 <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No. _____  |
| 3 <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No. <u>04/03, 11/03</u> | 7 <input checked="" type="checkbox"/> Examiner's Amendment/Comment                  |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                         | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
|   | 9 <input type="checkbox"/> Other  |

### **DETAILED ACTION**

Receipt is acknowledged of the IDS, filed on 4/4/2003, the amendment, filed on 10/24/2003, and the IDS, filed on 11/20/2003, all of which have been entered in the file. Some of the references in the IDS have been lined through, since they were previously cited on a PTO-892. However, all of the references have been considered and they will appear on the face of any printed patent issuing from the present application. Claims 1-26 are pending.

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Andrew Reibman (47,893) on November 20, 2003. During the telephone interview Mr. Reibman authorized an examiner's amendment to correct typographical errors in claims 22 and 23, in order to place the application in condition for allowance. Also, please note that periods have been added at the end of claims 2 and 25.

The application has been amended as follows:

#### **In the claims:**

The claims have been amended as follows:

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1. (Previously Amended) A lottery terminal capable of canceling an unplayed uniquely numbered lottery ticket having a control number and an area with thermally reactive coating material disposed thereon, the terminal comprising:

a microprocessor for controlling the operation of the terminal;

imaging means for imaging the unplayed lottery ticket;

memory means for storing data pertinent to the unplayed lottery ticket; and

an automated lottery ticket cancellation device including means for receiving the unplayed lottery ticket therein and a thermal device for generating heat, the thermal device of the cancellation device automatically permanently marking the unplayed lottery ticket when the unplayed lottery ticket is received by the terminal for cancellation prior to the imaging means imaging the unplayed lottery ticket.

2. (Currently Amended) A system for canceling an unplayed uniquely numbered lottery ticket comprising:

an unplayed lottery ticket having a control number and an area with thermally reactive coating material disposed thereon; and

a terminal having a microprocessor for controlling the operation of the terminal, imaging means for imaging the unplayed lottery ticket, memory means for storing data pertinent to the unplayed lottery ticket, and an automated lottery ticket cancellation device including means for receiving the unplayed lottery ticket therein and a thermal device for generating heat, the thermal device of the cancellation device automatically permanently marking the unplayed lottery ticket when the unplayed lottery ticket is

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received by the terminal for cancellation prior to the imaging means imaging the unplayed lottery ticket.

3. (Previously Amended) A process for canceling an unplayed uniquely numbered ticket having a control number and an area with thermally reactive coating material disposed thereon, the process comprising:

inserting the unplayed lottery ticket into a lottery terminal having means for receiving the unplayed lottery ticket therein;

while the unplayed lottery ticket is inserted in the terminal, automatically activating the thermally reactive coating material of the unplayed lottery ticket for permanently marking the unplayed lottery ticket;

while the unplayed lottery ticket is inserted in the terminal, following the activating step, imaging the unplayed lottery ticket for detecting the activated thermally reactive coating material and for reading the control number of the unplayed lottery ticket; and recording the control number.

4. (Previously Amended) A lottery terminal capable of canceling an unplayed uniquely numbered lottery ticket having a control number and an area with chemically reactive coating material disposed thereon, the terminal comprising:

a microprocessor for controlling the operation of the terminal;

imaging means for imaging the unplayed lottery ticket when the unplayed lottery ticket is received by the terminal for cancellation;

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memory means for storing data pertinent to the unplayed lottery ticket; and  
an automated lottery ticket cancellation device including means for receiving the unplayed lottery ticket therein and a radiant energy source for generating radiant energy, the radiant energy source of the cancellation device automatically permanently marking the unplayed lottery ticket when the unplayed lottery ticket is received by the terminal for cancellation prior to the imaging means imaging.

5. (Previously Amended) A process for canceling an unplayed uniquely numbered ticket having a control number and an area with chemically reactive coating material disposed thereon, the process comprising:

inserting the unplayed lottery ticket into a lottery terminal having means for receiving the unplayed lottery ticket therein;

while the unplayed lottery ticket is inserted in the terminal, automatically activating the chemically reactive coating material of the lottery ticket for permanently marking the unplayed lottery ticket;

while the unplayed lottery ticket is inserted in the terminal, following the activating step, imaging the unplayed lottery ticket for detecting the activated chemically reactive coating material and for reading the control number of the lottery ticket; and

recording the control number.

6. (Previously Amended) A lottery terminal configured for canceling an unplayed lottery ticket having a reactive area, comprising:

a controller;

an imaging device in communication with the controller, the imaging device configured to image the unplayed lottery ticket;

a memory in communication with the controller and configured to store data pertinent to the unplayed lottery ticket; and

an automated lottery ticket cancellation device in communication with the controller and configured to receive the unplayed lottery ticket and automatically permanently mark the area prior to imaging the unplayed lottery ticket when the unplayed lottery ticket is received by the terminal for cancellation.

7. (Previously Amended) The lottery terminal configured for canceling an unplayed lottery ticket having a reactive area of claim 6, wherein:

the reactive area is a thermally reactive coating material disposed on the lottery ticket and the automated lottery ticket cancellation device includes a thermal device for generating heat and configured to automatically permanently mark the area when the unplayed lottery ticket is positioned adjacent the thermal device.

8. (Previously Amended) The lottery terminal configured for canceling an unplayed lottery ticket having a reactive area of claim 6, wherein:

the reactive area is a chemically reactive coating material disposed on the lottery ticket and the automated lottery ticket cancellation device includes a radiant energy source configured to generate radiant energy and to automatically permanently

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mark the area when the unplayed lottery ticket is positioned adjacent the radiant energy device.

9. (Previously Amended) The lottery terminal configured for canceling an unplayed lottery ticket having a reactive area of claim 6, wherein:

the reactive area is a chemically reactive coating material disposed on the lottery ticket and the automated lottery ticket cancellation device includes a chemical application device configured to apply a chemical to the reactive area and to automatically permanently mark the area when the unplayed lottery ticket is positioned adjacent the radiant energy device.

10. (Previously Presented) The lottery terminal configured for canceling an unplayed lottery ticket having a reactive area of claim 6, further comprising:

an input device in communication with the controller, the input device configured to receive a request to cancel an unplayed lottery ticket and to communicate the request to the controller.

11. (Previously Presented) The lottery terminal configured for canceling an unplayed lottery ticket having a reactive area of claim 10, wherein

the controller is further configured to activate the cancellation device in response to the request communicated from the input device.

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12. (Previously Presented) The lottery terminal configured for canceling an unplayed lottery ticket having a reactive area of claim 6, further comprising:

an output device in communication with the controller, the output device configured to produce an indication that a refund should be provided for a canceled ticket only after the ticket has been permanently marked.

13. (Previously Amended) A method for canceling an unplayed lottery ticket having a reactive area, said method comprising:

receiving the unplayed lottery ticket in a lottery terminal;

while the unplayed lottery ticket is received in the lottery terminal, automatically permanently marking the unplayed lottery ticket by activating the reactive area; and

while the unplayed lottery ticket is received in the lottery terminal, after the permanent marking, imaging the unplayed lottery ticket.

14. (Previously Amended) The method for canceling an unplayed lottery ticket having a reactive area of claim 13, wherein

the reactive area is a thermally reactive coating material disposed on the unplayed lottery ticket and wherein the permanent marking includes heating the reactive area.

15. (Previously Amended) The method for canceling an unplayed lottery ticket having a reactive area of claim 13, wherein



the reactive area is a chemically reactive coating material disposed on the unplayed lottery ticket and wherein the permanent marking includes applying radiant energy to the reactive area.

16. (Previously Presented) The method for canceling an unplayed lottery ticket having a reactive area of claim 13, further comprising:

after permanent marking, recording a control number of the unplayed lottery ticket.

17. (Previously Presented) The method for canceling an unplayed lottery ticket having a reactive area of claim 13, further comprising:

detecting the permanent marking of the reactive area.

18. (Previously Presented) The method for canceling an unplayed lottery ticket having a reactive area of claim 17, further comprising:

after the permanent marking of the reactive area has been detected, generating a message that a refund should be provided for the canceled lottery ticket.

19. (Previously Presented) The method for canceling an unplayed lottery ticket having a reactive area of claim 17, further comprising:

after the permanent marking of the reactive area has been detected, generating a replacement lottery ticket.

20. (Previously Presented) A lottery terminal configured for canceling an unplayed lottery ticket having a reactive area, comprising:

a controller,

a ticket receiver in communication with the controller, the ticket receiver configured to receive the unplayed lottery ticket for cancellation; and

an unconditional branding device in communication with the controller, the unconditional branding device configured to automatically cancel the unplayed lottery ticket by permanently branding the reactive area when the unplayed lottery ticket is received for cancellation;

an imaging device in communication with the controller, the imaging device configured to image the unplayed lottery ticket while the unplayed lottery ticket is received for cancellation by the terminal, after the reactive area has been permanently branded.

21. (Previously Presented) The lottery terminal of claim 20, wherein

the reactive area is a thermally reactive coating material disposed on the unplayed lottery ticket, and

the unconditional branding device includes a thermal device for generating heat and configured to permanently brand the reactive area when the unplayed lottery ticket is positioned adjacent the thermal device.

22. (Currently Amended) The lottery terminal of claim 20, wherein

the reactive area is a chemically reactive coating material disposed on the unplayed lottery ticket, and

the unconditional branding device includes a radiant energy source configured to generate radiant energy and to permanently brand the reactive area when the unplayed lottery ticket is positioned adjacent the radiant energy device source.

23. (Currently Amended) The lottery terminal of claim 20, wherein

the reactive area is a chemically reactive coating material disposed on the unplayed lottery ticket, and

the unconditional branding device includes a chemical application device configured to apply a chemical to the reactive area and to permanently brand the reactive area when the unplayed lottery ticket is positioned adjacent the ~~radiant energy~~ chemical application device.

24. (Previously Presented) The lottery terminal of claim 20, further comprising:

an input device in communication with the controller, the input device configured to receive a request to cancel the unplayed lottery ticket and to communicate the request to the controller.

25. (Currently Amended) The lottery terminal of claim 24, wherein

the controller is further configured to activate the cancellation device in response to the request communicated from the input device.

26. (Previously Presented) The lottery terminal of claim 20, further comprising:

an output device in communication with the controller, the output device configured to produce an indication that a refund should be provided for the unplayed lottery ticket only after the unplayed lottery ticket has been permanently branded.

***Allowable Subject Matter***

2. Claims 1-26 have been allowed over the prior art of record.

3. The following is an examiner's statement of reasons for allowance: The prior art of record, taken alone or in combination, fails to teach or fairly suggest: a terminal for automatically permanently canceling/branding/marketing an unplayed lottery ticket when the unplayed lottery ticket is received by or inserted in the terminal for cancellation, and imaging the unplayed lottery ticket after the canceling/branding/marketing the unplayed lottery ticket; in combination with the other claimed limitations as set forth in the claims.

While Beaty suggests canceling an unplayed lottery ticket by marking the unplayed lottery ticket prior to imaging the unplayed lottery ticket (see figure 3, column 1 lines 23-63, column 2 lines 16-20, 50-63, and column 3 lines 19-26), Beaty teaches the use of an auxiliary device (such as a hole punch or printer, see column 2 lines 10-20) to perform marking of the unplayed lottery ticket prior to using a lottery terminal to complete the cancellation process. Thus, Beaty requires at least a two-step process,

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the first step being marking the unplayed lottery ticket and the second step being completing the cancellation process with the lottery terminal. Therefore, Beaty fails to teach a terminal for automatically permanently canceling/branding/marking an unplayed lottery ticket when the unplayed lottery ticket is received by or inserted in the terminal for cancellation. Furthermore, Beaty states, "One advantage of the present invention is the ability to modify the cancellation method of lottery tickets without having to change hardware." (see column 2 lines 21-24). Thus, Beaty teaches away from combining the auxiliary device (i.e.: hole punch or printer) with the lottery terminal, since this would require a change of hardware.

Therefore, without the benefit of applicant's teachings, there is no motivation for one of ordinary skill in the art at the time of the invention to combine the various teachings of the prior art in a manner so as to create the claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Brooks et al (US 6,650,427 B2) teaches a self-validating printer with a ticket-voiding feature. Yoshimo teaches a business management system including a voucher canceling procedure (see figure 14).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared J. Fureman whose telephone number is (703) 305-0424. The examiner can normally be reached on 7:00 am - 4:30 PM M-T, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (703) 305-3503. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

November 20, 2003

*Jared J. Fureman*  
Jared J. Fureman  
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